

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CASE NO. 04-11151-EFH

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| DR. THOMAS J. WLY, |) |
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| |) |
| Plaintiff, |) |
| |) |
| |) |
| |) |
| THE INTERNATIONAL |) |
| FOUNDATION FOR EDUCATION |) |
| AND SELF-HELP and THE LEON H. |) |
| SULLIVAN FOUNDATION, |) |
| |) |
| Defendants. |) |
| |) |

**JOINT STATEMENT PURSUANT TO
FED. R. CIV. P. 26(f) AND LOCAL RULE 16.1**

Plaintiff Dr. Thomas J. Wyly (“Wyly”) and defendants The International Foundation for Education and Self-Help (“IFESH”) and The Leon H. Sullivan Foundation (“The Sullivan Foundation”) (collectively with IFESH, “Defendants.”) hereby submit this Joint Statement in accordance with Fed. R. Civ. P. 26(f) and Local Rule 16.1. Pursuant to Notice of Scheduling Conference dated June 9, 2004, an initial scheduling conference is scheduled to be held on September 22, 2004.

I. Proposed Agenda for Scheduling Conference

The parties propose that the agenda for the initial scheduling conference include a discussion of the following issues:

1. Initial exchange of information;
2. Mediation;
3. Proposed discovery plan in the event mediation fails;

4. Proposed schedule for filing of motions;
5. Proposed trial date.

II. Proposed Pretrial Schedule

- a. The parties suggest that, within sixty (60) days, they complete an initial exchange of documents and information and participate in mediation before an agreed-upon mediator.
- b. In the event mediation is unsuccessful, the parties suggest the following schedule:

Parties complete all fact discovery: May 1, 2005

Expert reports: The parties do not presently contemplate the need for expert testimony. The parties reserve the right to designate an expert, which right shall be exercised on or before May 1, 2005.

Parties file dispositive motions: June 1, 2005

Pre-Trial Conference: August 1, 2005

Trial: September 1, 2005

III. Magistrate Judge

The parties do not consent to a trial by magistrate judge.

DR. THOMAS J. WYLY

By his attorneys,

THE INTERNATIONAL FOUNDATION
FOR EDUCATION AND SELF-HELP
By its attorneys,

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By its attorneys,

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Dated: September 15, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document
was served upon the attorney of record for each other
party by mail (by hand) on 9/15/04.

Foley Hoag LLP